

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
S/S Greenbank Rd., 265 ft. E. of c/s Susquehanna Road
7413 Greenbank Road
15th Election District
5th Councilmatic District
Joseph F. Sedlak, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-125-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a pool (accessory structure) in the front yard in lieu of the required rear yard; and to allow a rear yard setback of 10 ft. in lieu of the required 30 ft.; and a side yard setback for an open porch of 3.5 ft. in lieu of the required 7.5 ft., all as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section

307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 900.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of September, 1991 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a pool (accessory structure) in the front yard in lieu of the required rear yard; and to allow a rear yard setback of 10 ft. in lieu of the required 30 ft.; and a side yard setback for an open porch of 3.5 ft. in lieu of the required 7.5 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

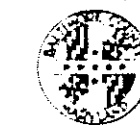
1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Department of Environmental Protection and Resource Management

recommendations to be submitted upon completion of their review of this matter.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3354

October 23, 1991

Mr. and Mrs. Joseph F. Sedlak
7413 Greenbank Road
Baltimore, Maryland 21220

RE: Petition for Residential Zoning Variance
Case No. 92-125-A

Dear Mr. and Mrs. Sedlak:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

CRITICAL AREA
92-125-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.1 - to allow a pool (accessory structure) pool in front yard in lieu of the required rear yard, and to allow a rear setback of 10' and side setback for open porch of 3.5 in lieu of the required 30' and 7.5' respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (Indicate hardship or practical difficulty)

Existing lot does not have a backyard. It would not be possible to locate a pool in back or side of property. House was purchased with existing setback in 1986.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City/State/Zip Code
Attorney for Petitioners:
(Type or Print Name)
Signature
Address
Attorney's telephone number

Legal Owner(s):
Joseph F. Sedlak
(Type or Print Name)
Signature
Teresa A. Sedlak
(Type or Print Name)
Signature
7413 Greenbank Rd. (301) 335-2744
Address Baltimore, MD 21220
City/State/Zip Code
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Name
Address
Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 10 day of Sept, 1991, that the subject matter of this petition be posted on the property on or before the 16 day of Oct, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 10 day of Sept, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County.



RECEIVED BY: LVS DATE: 10/19/91

RECEIVED FOR FILING

Date 10/19/91
By 140

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE
92-125-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7413 Greenbank Road
Baltimore, Maryland (Address)

That based upon personal knowledge, the following are the facts upon which I/we have the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

Existing lot does not have a backyard. It would not be possible to locate a pool in back or side of property. House was purchased with existing setbacks in 1986.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Joseph F. Sedlak Affirmant (Handwritten Signature)
Joseph F. Sedlak Affirmant (Printed Name)
Teresa A. Sedlak Affirmant (Handwritten Signature)
Teresa A. Sedlak Affirmant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of September, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Joseph F. & Teresa A. Sedlak

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/19/91
DATE
Martin E. Barnes, Jr.
NOTARY PUBLIC
My Commission Expires: 9/1/95

ZONING DESCRIPTION

92-125-A

BEGINNING AT A POINT ON THE SOUTH SIDE OF GREENBANK ROAD WHICH IS 30' WIDE AT THE DISTANCE OF 265' EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET (SUSQUEHANNA ROAD) WHICH IS 30' WIDE. BEING LOTS NUMBER 194 AND 195 IN THE SUBDIVISION OF OLIVER BEACH AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #12, FOLIO #56 CONTAINING 15,000 SQUARE FEET OR .34 ACRES. ALSO KNOWN AS 7413 GREENBANK ROAD AND LOCATED IN THE 15TH ELECTION DISTRICT, FIFTH COUNCILMATIC DISTRICT.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 10/19/91
Posted for: Variances
Positioner: Joseph F. Sedlak et ux
Location of property: 7413 Greenbank Rd. 7413 Greenbank Rd.
Location of Sign: Handwritten signature of Affirmant
Remarks: Handwritten signature of Affirmant
Posted by: M. Barnes Date of return: 10/19/91
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

CRITICAL AREA Account: R-001-6150
Number 140

04-09-0005-11111111 140.00
84 CDD-12740P-20-91
Please Make Checks Payable To: Baltimore County



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 22, 1991

Mr. & Mrs. Joseph F. Sedlak
7413 Greenbank Road
Baltimore, MD 21220

RE: Item No. 140, Case No. 92-125-A
Petitioner: Joseph F. Sedlak, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Sedlak:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: October 22, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
20th day of September, 1991.

ARNOLD JABLON
DIRECTOR

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Joseph F. Sedlak, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 27, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Romano Property, Item No. 127
Cochran Property, Item No. 129
Panagiotou Property, Item No. 130
Cernak Property, Item No. 135
Noravian Property, Item No. 137
Frantz Property, Item No. 138
Sedlak Property, Item No. 140
Smoot Property, Item No. 141

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEMS127/TXTROZ



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

OCTOBER 1, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOSEPH F. SEDLAK

Location: #7413 GREENBANK ROAD

Item No.: 140 Zoning Agenda: OCTOBER 1, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED:
Noted and Approved:
Planning & Zoning
Special Inspection Division
Fire Prevention Bureau

JF/EEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 27, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 1, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 127, 129, 130, 131, 132, 133, 135, 137, 138, 139, 140 and 141.

For Item 134, this subdivision is okay, with no comments needed.

For Item 136, the comments are reserved until the County Review Group plan is submitted. However, sideyard setback dimensions may change as a result of the County Review Group comments.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:c



111 West Chesapeake Avenue
Towson, MD 21204

September 25, 1991

887-3353

Joseph and Teresa Sedlak
7413 Greenbank Road
Baltimore, Maryland 21220

Re: CASE NUMBER: 92-125-A
LOCATION: S/S Greenbank Road, 265' E of c/d Susquehanna Road
7413 Greenbank Road

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before October 6, 1991. The closing date is October 21, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

October 20, 1992

(410) 887-4386

Mr. Joseph F. Sedlak
7413 Greenbank Road
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE
7413 Greenbank Road
Case No. 92-125-A

Dear Mr. Sedlak:

First, let me apologize for the lengthy delay in responding to your letter dated November 21, 1992. You will recall that I promised you a written response during a telephone discussion we had concerning its contents last November. However, the file apparently became misplaced and has only recently come to my attention.

As we discussed, this matter came before me as the result of a zoning violation notice you received from the Zoning Administration office for existing conditions on your property, which is located within the Chesapeake Bay Critical Areas near the Gunpowder River. You were subsequently advised to file the instant Petition to legalize those conditions. The relief requested in said Petition was granted on October 25, 1991, subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) as to Critical Areas legislation. In your letter, you requested that I remove this restriction and argued that you should have been properly notified of these conditions at the time of settlement on your property in 1986.

As you were previously advised, the documentation in the case file is unclear as to how long the improvements on your property existed prior to your being issued a zoning violation notice. It is therefore possible that the improvements in question predate the enactment of the Critical Areas legislation, and if so, they are grandfathered in and permitted as of right. I suggested that you contact DEPRM, at 887-2904, to determine if strict compliance with their recommendations was necessary.

I hope that you have since resolved this matter.

Very truly yours,

LAWRENCE E. SCHMITT
Zoning Commissioner
for Baltimore County

LES:bjb

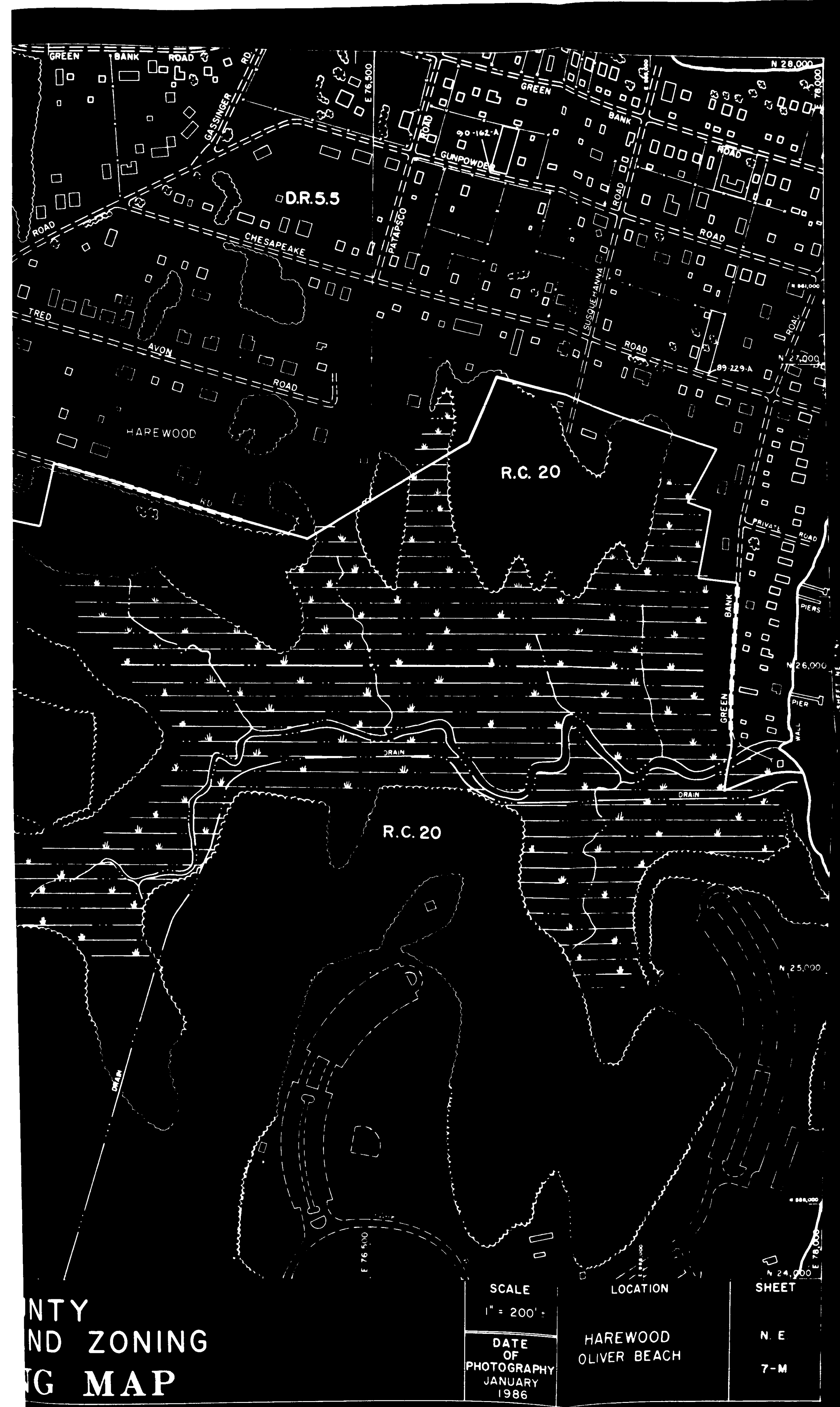
cc: Case File



SCALE	LOCATION	SHEET
1" = 200' ±	HAREWOOD	N.E.
DATE OF PHOTOGRAPHY	OLIVER BEACH	7-M
JANUARY 1986		

CRITICAL AREA

140



92-125-A

CRITICAL THINKING

140